

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Giansante	Team: Squad #5	CCRB Case #: 201907543	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/25/2019 4:55 PM	Location of Incident: Troutman Street between Wyckoff Avenue and Saint Nicholas Avenue	Precinct: 83	18 Mo. SOL 2/25/2021	EO SOL 10/12/2021	
Date/Time CV Reported Mon, 08/26/2019 9:10 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/26/2019 9:10 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Melvin Welch	02051	949793	083 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Atickul Islam	26309	965211	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Melvin Welch	Abuse: Police Officer Melvin Welch questioned § 87(2)(b)	
B.POM Melvin Welch	Abuse: Police Officer Melvin Welch questioned § 87(2)(b)	
C.POM Melvin Welch	Discourtesy: Police Officer Melvin Welch acted discourteously toward § 87(2)(b)	
D.POM Melvin Welch	Discourtesy: Police Officer Melvin Welch acted discourteously toward § 87(2)(b)	

### Case Summary

On August 25, 2019, immediately after this incident, § 87(2)(b) posted a series of Tweets addressed to the NYPD in which she complained about the incident (BR10). She made a similar post on Instagram, which generated a complaint to IAB under original log number 19-32298. On August 26, 2019, § 87(2)(b) filed this complaint directly with the CCRB via telephone on behalf of herself and § 87(2)(b). On September 4, 2019, the CCRB received the IAB referral generated by § 87(2)(b)'s online posts.

On August 25, 2019, at approximately 5:45 p.m., § 87(2)(b) and her roommate, § 87(2)(b) were walking on Troutman Street between Wyckoff Avenue and Saint Nicholas Avenue in Brooklyn. Police Officers Melvin Welch and Atickul Islam, both of the 83rd Precinct, were in a marked vehicle driving on Troutman Street. PO Welch was driving, and he stopped the vehicle near § 87(2)(b) and § 87(2)(b). PO Welch called out the window to get § 87(2)(b) and § 87(2)(b)'s attention. He then asked for their names and allegedly asked for their phone numbers, and he asked one of the women whether he could take her out (**Allegations A-B: Abuse of Authority, § 87(2)(g)** **Allegations C-D: Discourtesy, § 87(2)(g)** § 87(2)(b) walked behind the vehicle and photographed the license plate as PO Welch drove away.

The investigation obtained video footage from a surveillance camera in the vicinity of the incident location (BR01).

This case was assigned to Inv. Andrew Ridge until February 19, 2020, when it was reassigned to Inv. Faria Tasnim.

This case was initially submitted for review by the Board in March 2020. However, it was returned to IM Daniel Giansante in June 2020, prior to being reviewed by the Board, in response to the First Department's decision regarding the CCRB's jurisdiction over sexual misconduct.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Melvin Welch questioned § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Melvin Welch questioned § 87(2)(b)**

**Allegation (C) Discourtesy: Police Officer Melvin Welch acted discourteously toward § 87(2)(b)**

**Allegation (D) Discourtesy: Police Officer Melvin Welch acted discourteously toward § 87(2)(b)**

It is undisputed that PO Welch initiated the encounter with § 87(2)(b) and § 87(2)(b) that he did so out of a romantic or sexual interest in at least one of them, that he asked for their names, and that he had no other reason for questioning them.

§ 87(2)(b) and § 87(2)(b) recounted that after PO Welch asked for their names, § 87(2)(b) asked him whether he needed something or why he needed their names (BR02-03). PO Welch responded either by saying that he needed both women's phone numbers or by specifying that he needed § 87(2)(b)'s phone number. § 87(2)(b) asked PO Welch whether he was "hitting on" her and § 87(2)(b). PO Welch did not respond and quickly drove away, which led § 87(2)(b) to believe that PO Welch knew that his behavior was inappropriate.

PO Welch recounted that he asked § 87(2)(b) and § 87(2)(b) how they were doing, and then asked for their names (BR04). PO Welch could not recall if he asked them for their phone numbers. PO Welch admitted that he asked one of the women whether he could take her out; he could not recall which woman, and he still did not recall after viewing photographs of the women. PO Welch

confirmed that he did not suspect § 87(2)(b) or § 87(2)(b) of any crimes, that he was not conducting “official police business” when he initiated a conversation with them, and that he did so solely because he wanted to take one of the women out romantically.

PO Islam recounted that prior to approaching § 87(2)(b) and § 87(2)(b) PO Welch said, “Look at the legs on that girl” (BR05). PO Welch then asked § 87(2)(b) and § 87(2)(b) how they were doing, and then told § 87(2)(b) that he needed her number. PO Islam could not recall whether PO Welch specifically asked either woman whether he could take them out. PO Islam believed that PO Welch was speaking to § 87(2)(b) in particular because he was primarily interacting with her. PO Islam also recounted that § 87(2)(b) told PO Welch, “As a police officer in uniform, you can’t go around asking girls for their number.” PO Welch then responded, “Why not? I’m a guy, I could go around asking girls for their numbers.”

The surveillance footage showed that the incident lasted approximately 30 seconds (BR01). It confirmed that both § 87(2)(b) and § 87(2)(b) stopped near PO Welch’s window after he called out to them, and that they stood beside each other and faced PO Welch during the conversation. It also confirmed that PO Welch drove away once § 87(2)(b) began walking into the street to photograph the rear of his vehicle.

§ 87(2)(b), § 87(2)(g)

NYPD Patrol Guide Procedure 212-11 states that an officer must have an objective, credible reason to approach a civilian and request information, such as the civilian’s name, address, and destination. Any such questions must be related to the objective reason for which the officer approached the civilian. A reason is objectively credible if it is based on more than a hunch or a whim. The reason to gather information may relate to a public safety function or law enforcement function (BR06).

According to NYPD Patrol Guide Procedure 203-09, officers must interact with members of the public in a professional manner. Officers must also be courteous and respectful (BR07).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been parties (BR08-09).
- PO Melvin Welch has been a member of service for ten years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- As of January 27, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR11).
- The BADS database shows no previous arrests for § 87(2)(b) and § 87(2)(b) As a result, OCA searches for prior criminal convictions were not performed.

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Squad No.: 5

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: Daniel Giansante IM Daniel Giansante December 14, 2020  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date